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REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
G0228 (AMDP753US)

In re Application of: Cyrus E. Tabery, et al.

Application No.: 09/955,517

Filed: September 18, 2001

For: Advanced Micro Devices, Inc.

The owner*, Advanced Micro Devices, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,562,248 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

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 May 16, 2005
Signature Date

Himanshu S. Amin
Typed or printed name

(216) 696-8730
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included. A Credit Card Payment form is attached.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile (703)872-9306.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicants: Tabery, *et al.*

Serial No: 09/955,517

Filing Date: September 18, 2001

Examiner: Parviz Hassanzadeh

Art Unit: 1763

Title: IN-SITU OR EX-SITU PROFILE MONITORING OF PHASE OPENINGS ON
ALTERNATING PHASE SHIFTING MASKS BY SCATTEROMETRY

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OVERCOME A DOUBLE
PATENTING REJECTION (37 CFR §1.321(c))**

Dear Sir:

I, Himanshu S. Amin, represent that I am an attorney of record for application Serial No. 09/955,517 filed September 18, 2001, entitled IN-SITU OR EX-SITU PROFILE MONITORING OF PHASE OPENINGS ON ALTERNATING PHASE SHIFTING MASKS BY SCATTEROMETRY. The owner, Advanced Micro Devices, Inc., of 100 percent interest in the above-identified application hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of United States Patent No. 6,562,248 B1, as presently shortened by any terminal disclaimer, is hereby disclaimed, except as provided below, and it is hereby agreed that any patent so granted on the above-identified patent application shall be enforceable only for and during such period that the legal title to said

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patent shall be the same as the legal title to U.S. Patent No. 6,562,248 B1, this agreement to run with any patent granted on the above-identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim any terminal part of any patent granted on the above-identified patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,562,248 B1, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by a terminal disclaimer, except for the separation of legal title stated above.

A credit card payment form for the fee (\$130.00) associated with this Terminal Disclaimer is filed herewith. In the event any additional fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063, Order No. [AMDP753US].

Respectfully submitted,
AMIN & TUROCY, LLP


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